

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

FREDDIE CAGLE)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.:
)	2:21-CV-00052-RWS
v.)	
)	
WESCO INSURANCE COMPANY,)	
KING'S WAY USA TRANSPORT,)	
INC., FIRST TIME TRANSPORT,)	
INC., ISIDRO ALEX LOBAINAN)	
LOYOLA, OLD REPUBLIC)	
INSURANCE COMPANY, ONE)	
WAY HAULING EXPRESS)	
COMPANY, AC NATIONWIDE)	
TRANSPORT, LLC, ARIEL)	
CALZADA and ISABLE CORDERO,)	
)	
Defendants.)	

**CONSENT MOTION TO DISMISS OLD REPUBLIC INSURANCE
COMPANY WITHOUT PREJUDICE**

COME NOW Plaintiff Freddie Cagle, and Defendants Isidro Alex Lobaina Loyola, First Time Transport, Inc., Wesco Insurance Company, and Old Republic Insurance Company, by and through their undersigned counsel, and, pursuant to Fed. R. Civ. P. 21, hereby file this Consent Motion to Dismiss Defendant Old Republic Insurance Co. without Prejudice showing the Court as follows:

1.

This lawsuit arises out of a July 16, 2019 motor vehicle wreck that occurred on I-85 south in Jackson County, Georgia. Plaintiff filed this action seeking to recover for personal injuries sustained in this accident.

2.

Plaintiff filed his Original Complaint on March 5, 2021 naming Isidro Alex Lobaina Loyola, First Time Transport, Inc., King's Way USA Transport, Inc. and Wesco Insurance Company as Defendants.

3.

On July 7, 2021, Plaintiff amended his Complaint to add Defendants One Way Hauling Express Company, Old Republic Insurance Company, AC Nationwide Transport, LLC., Ariel Calzada, and Isabel Cordero.

4.

Plaintiff alleges that Old Republic Insurance Company provided liability insurance coverage to One Way Hauling Express Company under Policy Number Z-35726.

5.

Old Republic Insurance Company provided a copy of Policy Number Z-35726 to Plaintiff's counsel to confirm One Way Hauling Express Company is not

named insured under the policy.

6.

Counsel for the parties have conferred and agree that Old Republic Insurance Company should be dismissed from this action without prejudice.

7.

Plaintiffs' claims against the remaining Defendants are unaffected by this Consent Motion and shall remain pending.

WHEREFORE, the parties respectfully request this Honorable Court enter an Order dismissing defendant Old Republic Insurance Company from this action without prejudice.

This 23rd day of March, 2022.

TRUCK WRECK JUSTICE

/s/ Danny Ellis

Danny Ellis

Georgia Bar No. 924074

(Signed by B. Yancey with express permission)

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CERTIFICATION PURSUANT TO L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel for Defendant hereby certifies that the above and foregoing submission is a computer document prepared in Times New Roman (14 point) font and in accordance with Local Rule 5.1B.

This 23rd day of March, 2022.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

By: /s/ Benjamin Yancey
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing pleading with the Clerk of the Court via the Court's electronic filing system which will automatically send e-mail notification of such filing to all counsel of record.

This 23rd day of March, 2022.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

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